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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,770	03/19/2004	Geoffrey Gongwer	SN DK.211US1	7776

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EXAMINER

MALSAWMA, LALRINFAMKIM HMAR

ART UNIT PAPER NUMBER

2823

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,770

Applicant(s)

GONGWER ET AL.

Examiner

Lex Malsawma

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec. 27, 2004 through May 05, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23 (are provisionally allowable) ~~is/are allowed~~.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/04, 2/7/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 24 requires the steps of: (1) using the same selected programming strength for a first selected number of programming steps; and (2) weakening the programming strength for a second selected number of programming steps. The specification does not disclose either steps “(1)” or “(2)” because the multiphase program voltage generator of the current invention generates various waveforms in order to reach the target level as quickly as possible (note current specification, page 11, lines 12-17; page 14, lines 2-5; and page 16, lines 7-15). In other words, the specification does not disclose utilizing the same programming strength for a selected number of programming step, for that matter, it would seem that the current invention would avoid specifically using a selected/set number of programming steps because the selected number could hinder quick programming (which is a major aspect of the current invention) especially because the required number of programming steps may be more than the minimum number necessary to reach the target level.

Remarks

3. Applicant's remarks and proposal for an interference, received in the communications filed from September 15, 2004 through May 3, 2005, have been fully considered. In reference to applicant's suggested counts 1-5 (received via fax on May 3, 2005) for a proposed interference, note the following remarks.

Suggested count 1, which is claim 19 of the present application, is considered to be the only count that should be presented in the proposed interference.

Suggested count 2, which is claim 20 of the present application, is not considered to be distinct from count 1 because claim 20 corresponds to count 1, i.e., count 2 is held obvious over count 1 because the step of "returning...if it is determined..." is suggested in count 1 by the step of "repeating...programming, verifying, and adjusting until the Vt...is ...the desired Vt".

Suggested count 3, which is claim 21 of the present application, is not considered to be distinct from count 1 because claim 21 (and claim 22) corresponds to count 1, i.e., count 3 is held obvious over count 1 because the step of "weakening the selected programming strength" is obvious over the step (in count 1) of "repeating...programming, verifying, and adjusting until the Vt...is ...the desired Vt" because this step would obviously require smaller (or weaker) programming strength as "the desired Vt" is approached in order to avoid surpassing (or overshooting) "the desired Vt".

Suggested count 4, which is claim 23 of the present application, is not considered to be distinct from count 1 because claim 23 corresponds to count 1, i.e., count 4 is held obvious over count 1 because the step of "weakening the selected programming strength after each...verifying" is obvious over the step (in count 1) of "repeating...programming, verifying,

and adjusting until the Vt...is ...the desired Vt” because this step would obviously require smaller (or weaker) programming strength as “the desired Vt” is approached in order to avoid surpassing (or overshooting) “the desired Vt”.

Suggested count 5, which is claim 24 of the present application, is not supported by the current specification or by the specification in Application Ser. No. 09/793,370 filed on February 26, 2001, of which the current application is a continuation.

In sum, suggested count 1 (claim 19) is considered to be the only count that should be presented in the proposed interference. Claims 20-23 correspond to count 1 for the reasons provided above, and claim 24 is not supported in the disclosure (Application Ser. No. 09/793,370) and should be canceled.

Status of the Claims

4. Claims 19-23 are provisionally allowable pending resolution of an interference proceeding that may be declared by the Board of Patent Appeals and Interferences.
5. Claim 24 stands rejected under 35 U.S.C. 112, first paragraph.
6. The following is a statement of reasons for the indication of allowable subject matter:
Claims 19-23 are provisionally allowable because the reference of record, singly or in combination, cannot anticipate or render obvious the method recited in claim 19 especially including the steps of adjusting the selected programming strength and repeating the steps of programming, verifying, and adjusting (the programming strength) until the desired Vt is reached.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lex Malsawma whose telephone number is 571-272-1903. The examiner can normally be reached on Mon. - Thur. (4-12 hours between 5:30AM and 10 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2823

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lex Malsawma



May 12, 2005



OLIK CHAUDHURI
SUPERVISORY PATENT EXAMINER
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